

AMENDED IN ASSEMBLY MAY 27, 2014

AMENDED IN ASSEMBLY APRIL 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1882

**Introduced by Assembly Member Cooley
(Principal coauthor: Assembly Member Dickinson)**

February 19, 2014

An act to amend Sections 309, 361.45, 11450, 11465, and 11477.02 of, and to add Section 13758 to, the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1882, as amended, Cooley. CalWORKs: relative caregivers.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Existing law specifies the amounts of cash aid to be paid each month to CalWORKs recipients.

This bill would ~~specify certain additional amounts to require that an infant supplement, as specified, be paid under the CalWORKs program to a child teen parent who is placed with his or her child in the home of a relative caregiver and is the subject of a voluntary placement agreement or subject to the jurisdiction of the juvenile court, as provided; including, among others, reimbursement for the cost of reasonable travel for the child to remain in the school in which he or she is enrolled at the time of placement, a specialized care increment, and a clothing allowance, as specified.~~

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Under existing law, a child is eligible for AFDC-FC if he or she is placed in the approved home of a relative and is otherwise eligible for federal financial participation in the AFDC-FC payment, as specified.

Under existing law, if the county welfare department places a child who is in temporary custody or subject to the jurisdiction of the juvenile court with a relative or nonrelative extended family member, as defined, the county is required to evaluate and approve or deny the home for purposes of AFDC-FC eligibility.

This bill would additionally require the county to evaluate and approve or deny the home for purposes of CalWORKs eligibility, and would require the placing agency to initiate the applications for AFDC-FC and CalWORKs. The bill would also require the county social worker to explain to the relative, either in person or by telephone, the eligibility requirements and benefit amounts for the AFDC-FC and CalWORKs programs as well as any actions the relative could take to affect the child's eligibility for those programs. By requiring placing agencies and county social workers to provide these services, this bill would impose a state-mandated local program.

Existing law requires that every youth who is in foster care and nearing emancipation be screened by the county for potential eligibility for the federal Supplemental Security Income (SSI) program.

This bill would require that every youth who is in foster care and has been determined to be ineligible for AFDC-FC benefits be screened by the county for potential eligibility for the SSI program. By imposing this additional duty on counties, this bill would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 309 of the Welfare and Institutions Code
2 is amended to read:

3 309. (a) Upon delivery to the social worker of a child who has
4 been taken into temporary custody under this article, the social
5 worker shall immediately investigate the circumstances of the child
6 and the facts surrounding the child's being taken into custody and
7 attempt to maintain the child with the child's family through the
8 provision of services. The social worker shall immediately release
9 the child to the custody of the child's parent, guardian, or
10 responsible relative, regardless of the parent's, guardian's, or
11 relative's immigration status, unless one or more of the following
12 conditions exist:

13 (1) The child has no parent, guardian, or responsible relative;
14 or the child's parent, guardian, or responsible relative is not willing
15 to provide care for the child.

16 (2) Continued detention of the child is a matter of immediate
17 and urgent necessity for the protection of the child and there are
18 no reasonable means by which the child can be protected in his or
19 her home or the home of a responsible relative.

20 (3) There is substantial evidence that a parent, guardian, or
21 custodian of the child is likely to flee the jurisdiction of the court.

22 (4) The child has left a placement in which he or she was placed
23 by the juvenile court.

24 (5) The parent or other person having lawful custody of the
25 child voluntarily surrendered physical custody of the child pursuant
26 to Section 1255.7 of the Health and Safety Code and did not
27 reclaim the child within the 14-day period specified in subdivision
28 (e) of that section.

29 (b) In any case in which there is reasonable cause for believing
30 that a child who is under the care of a physician and surgeon or a
31 hospital, clinic, or other medical facility and cannot be immediately
32 moved and is a person described in Section 300, the child shall be
33 deemed to have been taken into temporary custody and delivered

1 to the social worker for the purposes of this chapter while the child
2 is at the office of the physician and surgeon or the medical facility.

3 (c) If the child is not released to his or her parent or guardian,
4 the child shall be deemed detained for purposes of this chapter.

5 (d) (1) If an able and willing relative, as defined in Section 319,
6 or an able and willing nonrelative extended family member, as
7 defined in Section 362.7, is available and requests temporary
8 placement of the child pending the detention hearing, the county
9 welfare department shall initiate an assessment of the relative's or
10 nonrelative extended family member's suitability, which shall
11 include an in-home inspection to assess the safety of the home and
12 the ability of the relative or nonrelative extended family member
13 to care for the child's needs, a consideration of the results of a
14 criminal records check conducted pursuant to subdivision (a) of
15 Section 16504.5, and a check of allegations of prior child abuse
16 or neglect concerning the relative or nonrelative extended family
17 member and other adults in the home. A relative's identification
18 card from a foreign consulate or foreign passport shall be
19 considered a valid form of identification for conducting a criminal
20 records check and fingerprint clearance check under this
21 subdivision. Upon completion of this assessment, the child may
22 be placed in the assessed home. For purposes of this paragraph,
23 and except for the criminal records check conducted pursuant to
24 subdivision (a) of Section 16504.5, the standards used to determine
25 suitability shall be the same standards set forth in the regulations
26 for the licensing of foster family homes.

27 (2) Immediately following the placement of a child in the home
28 of a relative or a nonrelative extended family member, the county
29 welfare department shall evaluate and approve or deny the home
30 for purposes of AFDC-FC eligibility pursuant to Section 11402
31 and CalWORKs eligibility pursuant to Article 2 (commencing
32 with Section 11250) of Chapter 2 of Part 3 of Division 9. The
33 placing agency shall initiate the applications for AFDC-FC and
34 CalWORKs. If the county determines that the child is not eligible
35 for AFDC-FC benefits, the county welfare department shall explain
36 the specific basis for this determination and shall immediately
37 screen the child for eligibility for the federal Supplemental Security
38 Income program in accordance with Section 13758. If aid is granted
39 under the AFDC-FC or CalWORKs program, the beginning date

1 of aid shall be the date the child was placed with the relative or
2 nonrelative extended family member.

3 (3) The standards used to evaluate and grant or deny approval
4 of the home of the relative and of the home of a nonrelative
5 extended family member, as described in Section 362.7, shall be
6 the same standards set forth in regulations for the licensing of
7 foster family homes which prescribe standards of safety and
8 sanitation for the physical plant and standards for basic personal
9 care, supervision, and services provided by the caregiver.

10 (4) To the extent allowed by federal law, as a condition of
11 receiving funding under Title IV-E of the federal Social Security
12 Act (42 U.S.C. Sec. 670 et seq.), if a relative or nonrelative
13 extended family member meets all other conditions for approval,
14 except for the receipt of the Federal Bureau of Investigation's
15 criminal history information for the relative or nonrelative extended
16 family member, and other adults in the home, as indicated, the
17 county welfare department may approve the home and document
18 that approval, if the relative or nonrelative extended family
19 member, and each adult in the home, has signed and submitted a
20 statement that he or she has never been convicted of a crime in the
21 United States, other than a traffic infraction as defined in paragraph
22 (1) of subdivision (a) of Section 42001 of the Vehicle Code. If,
23 after the approval has been granted, the department determines
24 that the relative or nonrelative extended family member or other
25 adult in the home has a criminal record, the approval may be
26 terminated.

27 (5) If the criminal records check indicates that the person has
28 been convicted of a crime for which the Director of Social Services
29 cannot grant an exemption under Section 1522 of the Health and
30 Safety Code, the child shall not be placed in the home. If the
31 criminal records check indicates that the person has been convicted
32 of a crime for which the Director of Social Services may grant an
33 exemption under Section 1522 of the Health and Safety Code, the
34 child shall not be placed in the home unless a criminal records
35 exemption has been granted by the county based on substantial
36 and convincing evidence to support a reasonable belief that the
37 person with the criminal conviction is of such good character as
38 to justify the placement and not present a risk of harm to the child.

39 (e) (1) If the child is removed, the social worker shall conduct,
40 within 30 days, an investigation in order to identify and locate all

1 grandparents, adult siblings, and other adult relatives of the child,
2 as defined in paragraph (2) of subdivision (f) of Section 319,
3 including any other adult relatives suggested by the parents. The
4 social worker shall provide to all adult relatives who are located,
5 except when that relative's history of family or domestic violence
6 makes notification inappropriate, within 30 days of removal of the
7 child, written notification and shall also, whenever appropriate,
8 provide oral notification, in person or by telephone, of all the
9 following information:

10 (A) The child has been removed from the custody of his or her
11 parent or parents, or his or her guardians.

12 (B) An explanation of the various options to participate in the
13 care and placement of the child and support for the child's family,
14 including any options that may be lost by failing to respond. The
15 notice shall provide information about providing care for the child
16 while the family receives reunification services with the goal of
17 returning the child to the parent or guardian, how to become a
18 foster family home or approved relative or nonrelative extended
19 family member as defined in Section 362.7, and additional services
20 and support that are available in out-of-home placements. The
21 notice shall also include a summary of the eligibility requirements,
22 application procedures, and benefit amounts for the AFDC-FC
23 program (Article 5 (commencing with Section 11400) of Chapter
24 2 of Part 3 of Division 9), including any specialized care
25 increments, as described in Section 11461, the Kin-GAP Program
26 (Article 4.5 (commencing with Section 11360) of Chapter 2 of
27 Part 3 of Division 9), the CalWORKs program for approved
28 relative caregivers (Chapter 2 (commencing with Section 11200)
29 of Part 3 of Division 9), adoption, and adoption assistance (Chapter
30 2.1 (commencing with Section 16115) of Part 4 of Division 9), as
31 well as other options for contact with the child, including, but not
32 limited to, visitation. The State Department of Social Services, in
33 consultation with the County Welfare Directors Association of
34 California and other interested stakeholders, shall develop the
35 written notice.

36 (2) The social worker shall also provide the adult relatives
37 notified pursuant to paragraph (1) with a relative information form
38 to provide information to the social worker and the court regarding
39 the needs of the child. The form shall include a provision whereby
40 the relative may request the permission of the court to address the

1 court, if the relative so chooses. The Judicial Council, in
2 consultation with the State Department of Social Services and the
3 County Welfare Directors Association of California, shall develop
4 the form.

5 (3) The social worker shall use due diligence in investigating
6 the names and locations of the relatives pursuant to paragraph (1),
7 including, but not limited to, asking the child in an age-appropriate
8 manner about relatives important to the child, consistent with the
9 child's best interest, and obtaining information regarding the
10 location of the child's adult relatives. Each county welfare
11 department shall create and make public a procedure by which
12 relatives of a child who has been removed from his or her parents
13 or guardians may identify themselves to the county welfare
14 department and be provided with the notices required by paragraphs
15 (1) and (2).

16 (f) In addition to the notice required by subdivision (e), if a
17 relative requests placement of the child, the county social worker
18 shall explain to the relative, either in person or by telephone, the
19 eligibility requirements and benefit amounts for the AFDC-FC
20 and CalWORKs programs as well as any actions the relative could
21 take to affect the child's eligibility for those programs.

22 SEC. 2. Section 361.45 of the Welfare and Institutions Code
23 is amended to read:

24 361.45. (a) Notwithstanding any other provision of law, when
25 the sudden unavailability of a foster caregiver requires a change
26 in placement on an emergency basis for a child who is under the
27 jurisdiction of the juvenile court pursuant to Section 300, if an able
28 and willing relative, as defined in Section 319, or an able and
29 willing nonrelative extended family member, as defined in Section
30 362.7, is available and requests temporary placement of the child
31 pending resolution of the emergency situation, the county welfare
32 department shall initiate an assessment of the relative's or
33 nonrelative extended family member's suitability, which shall
34 include an in-home inspection to assess the safety of the home and
35 the ability of the relative or nonrelative extended family member
36 to care for the child's needs, and a consideration of the results of
37 a criminal records check conducted pursuant to Section 16504.5
38 and a check of allegations of prior child abuse or neglect
39 concerning the relative or nonrelative extended family member
40 and other adults in the home. Upon completion of this assessment,

1 the child may be placed in the assessed home. For purposes of this
2 paragraph, and except for the criminal records check conducted
3 pursuant to Section 16504.5, the standards used to determine
4 suitability shall be the same standards set forth in the regulations
5 for the licensing of foster family homes.

6 (b) Immediately following the placement of a child in the home
7 of a relative or a nonrelative extended family member, the county
8 welfare department shall evaluate and approve or deny the home
9 for purposes of AFDC-FC eligibility pursuant to Section 11402
10 and CalWORKs eligibility pursuant to Article 2 (commencing
11 with Section 11250) of Chapter 2 of Part 3 of Division 9. The
12 placing agency shall initiate the applications for AFDC-FC and
13 CalWORKs. If the county determines that the child is not eligible
14 for AFDC-FC benefits, the county welfare department shall explain
15 the specific basis for this determination and shall immediately
16 screen the child for eligibility for the federal Supplemental Security
17 Income program in accordance with Section 13758. If aid is granted
18 under the AFDC-FC or CalWORKs program, the beginning date
19 of aid shall be the date the child was placed with the relative or
20 nonrelative extended family member.

21 (c) The standards used to evaluate and grant or deny approval
22 of the home of the relative and of the home of a nonrelative
23 extended family member, as described in Section 362.7, shall be
24 the same standards set forth in regulations for the licensing of
25 foster family homes which prescribe standards of safety and
26 sanitation for the physical plant and standards for basic personal
27 care, supervision, and services provided by the caregiver.

28 (d) If a relative or nonrelative extended family member, and
29 other adults in the home, as indicated, meets all other conditions
30 for approval, except for the receipt of the Federal Bureau of
31 Investigation's criminal history information for the relative or
32 nonrelative extended family member, the county welfare
33 department may approve the home and document that approval,
34 if the relative or nonrelative extended family member, and each
35 adult in the home, has signed and submitted a statement that he or
36 she has never been convicted of a crime in the United States, other
37 than a traffic infraction as defined in paragraph (1) of subdivision
38 (a) of Section 42001 of the Vehicle Code. If, after the approval
39 has been granted, the department determines that the relative or

1 nonrelative extended family member or other adult in the home
2 has a criminal record, the approval may be terminated.

3 (e) (1) If a nonminor dependent, as defined in subdivision (v)
4 of Section 11400, is placed in the home of a relative or nonrelative
5 extended family member, the home shall be approved using the
6 same standards set forth in regulations as described in Section
7 1502.7 of the Health and Safety Code.

8 (2) The department, in consultation with representatives of the
9 Legislature, the County Welfare Directors Association, the Chief
10 Probation Officers of California, the California Youth Connection,
11 the Judicial Council, former foster youth, child advocacy
12 organizations, dependency counsel for children, juvenile justice
13 advocacy organizations, foster caregiver organizations, labor
14 organizations, and representatives of Indian tribes, shall revise
15 regulations regarding health and safety standards for approving
16 relative homes in which nonminor dependents, as defined in
17 subdivision (v) of Section 11400, of the juvenile court are placed
18 under the responsibility of the county welfare or probation
19 department, or an Indian tribe that entered into an agreement
20 pursuant to Section 10553.1.

21 (3) Notwithstanding the Administrative Procedure Act (Chapter
22 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
23 Title 2 of the Government Code), the department, in consultation
24 with the stakeholders listed in paragraph (2), shall prepare for
25 implementation of the applicable provisions of this section by
26 publishing all-county letters or similar instructions from the director
27 by October 1, 2011, to be effective January 1, 2012. Emergency
28 regulations to implement this section may be adopted by the
29 director in accordance with the Administrative Procedure Act. The
30 initial adoption of the emergency regulations and one readoption
31 of the initial regulations shall be deemed to be an emergency and
32 necessary for the immediate preservation of the public peace,
33 health, safety, or general welfare. Initial emergency regulations
34 and the first readoption of those emergency regulations shall be
35 exempt from review by the Office of Administrative Law. The
36 emergency regulations authorized by this section shall be submitted
37 to the Office of Administrative Law for filing with the Secretary
38 of State and shall remain in effect for no more than 180 days.

39 SEC. 3. Section 11450 of the Welfare and Institutions Code is
40 amended to read:

11450. (a) (1) Aid shall be paid for each needy family, which shall include all eligible brothers and sisters of each eligible applicant or recipient child and the parents of the children, but shall not include unborn children, or recipients of aid under Chapter 3 (commencing with Section 12000), qualified for aid under this chapter. In determining the amount of aid paid, and notwithstanding the minimum basic standards of adequate care specified in Section 11452, the family's income, exclusive of any amounts considered exempt as income or paid pursuant to subdivision (e) or Section 11453.1, determined for the prospective semiannual period pursuant to Sections 11265.1, 11265.2, and 11265.3, and then calculated pursuant to Section 11451.5, shall be deducted from the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2). In no case shall the amount of aid paid for each month exceed the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2), plus any special needs, as specified in subdivisions (c), (e), (f), and (g):

Number of eligible needy persons in the same home	Maximum aid
1.....	\$ 326
2.....	535
3.....	663
4.....	788
5.....	899
6.....	1,010
7.....	1,109
8.....	1,209
9.....	1,306
10 or more.....	1,403

If, when, and during those times that the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to that increase or

1 decrease by the United States government, provided that no
2 increase or decrease shall be subject to subsequent adjustment
3 pursuant to Section 11453.

4 (2) The sums specified in paragraph (1) shall not be adjusted
5 for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94,
6 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through
7 October 31, 1998, nor shall that amount be included in the base
8 for calculating any cost-of-living increases for any fiscal year
9 thereafter. Elimination of the cost-of-living adjustment pursuant
10 to this paragraph shall satisfy the requirements of former Section
11 11453.05, and no further reduction shall be made pursuant to that
12 section.

13 (b) (1) When the family does not include a needy child qualified
14 for aid under this chapter, aid shall be paid to a pregnant mother
15 who is 18 years of age or younger at any time after verification of
16 pregnancy, in the amount that would otherwise be paid to one
17 person, as specified in subdivision (a), if the mother, and child, if
18 born, would have qualified for aid under this chapter. Verification
19 of pregnancy shall be required as a condition of eligibility for aid
20 under this subdivision.

21 (2) Notwithstanding paragraph (1), when the family does not
22 include a needy child qualified for aid under this chapter, aid shall
23 be paid to a pregnant mother for the month in which the birth is
24 anticipated and for the three-month period immediately prior to
25 the month in which the birth is anticipated in the amount that would
26 otherwise be paid to one person, as specified in subdivision (a), if
27 the mother and child, if born, would have qualified for aid under
28 this chapter. Verification of pregnancy shall be required as a
29 condition of eligibility for aid under this subdivision.

30 (3) Paragraph (1) shall apply only when the Cal-Learn Program
31 (Article 3.5 (commencing with Section 11331)) is operative.

32 (c) The amount of forty-seven dollars (\$47) per month shall be
33 paid to pregnant mothers qualified for aid under subdivision (a)
34 or (b) to meet special needs resulting from pregnancy if the mother,
35 and child, if born, would have qualified for aid under this chapter.
36 County welfare departments shall refer all recipients of aid under
37 this subdivision to a local provider of the Women, Infants and
38 Children program described in Article 2 (commencing with Section
39 123275) of Chapter 1 of Part 2 of Division 106 of the Health and
40 Safety Code. If that payment to pregnant mothers qualified for aid

1 under subdivision (a) is considered income under federal law in
2 the first five months of pregnancy, payments under this subdivision
3 shall not apply to persons eligible under subdivision (a), except
4 for the month in which birth is anticipated and for the three-month
5 period immediately prior to the month in which delivery is
6 anticipated, if the mother, and the child, if born, would have
7 qualified for aid under this chapter.

8 (d) For children receiving AFDC-FC under this chapter, there
9 shall be paid, exclusive of any amount considered exempt as
10 income, an amount of aid each month which, when added to the
11 child's income, is equal to the rate specified in Section 11460,
12 11461, 11462, 11462.1, or 11463. In addition, the child shall be
13 eligible for special needs, as specified in departmental regulations.

14 (e) In addition to the amounts payable under subdivision (a)
15 and Section 11453.1, a family shall be entitled to receive an
16 allowance for recurring special needs not common to a majority
17 of recipients. These recurring special needs shall include, but not
18 be limited to, special diets upon the recommendation of a physician
19 for circumstances other than pregnancy, and unusual costs of
20 transportation, laundry, housekeeping services, telephone, and
21 utilities. The recurring special needs allowance for each family
22 per month shall not exceed that amount resulting from multiplying
23 the sum of ten dollars (\$10) by the number of recipients in the
24 family who are eligible for assistance.

25 (f) After a family has used all available liquid resources, both
26 exempt and nonexempt, in excess of one hundred dollars (\$100),
27 with the exception of funds deposited in a restricted account
28 described in subdivision (a) of Section 11155.2, the family shall
29 also be entitled to receive an allowance for nonrecurring special
30 needs.

31 (1) An allowance for nonrecurring special needs shall be granted
32 for replacement of clothing and household equipment and for
33 emergency housing needs other than those needs addressed by
34 paragraph (2). These needs shall be caused by sudden and unusual
35 circumstances beyond the control of the needy family. The
36 department shall establish the allowance for each of the
37 nonrecurring special need items. The sum of all nonrecurring
38 special needs provided by this subdivision shall not exceed six
39 hundred dollars (\$600) per event.

1 (2) Homeless assistance is available to a homeless family
2 seeking shelter when the family is eligible for aid under this
3 chapter. Homeless assistance for temporary shelter is also available
4 to homeless families which are apparently eligible for aid under
5 this chapter. Apparent eligibility exists when evidence presented
6 by the applicant, or which is otherwise available to the county
7 welfare department, and the information provided on the
8 application documents indicate that there would be eligibility for
9 aid under this chapter if the evidence and information were verified.
10 However, an alien applicant who does not provide verification of
11 his or her eligible alien status, or a woman with no eligible children
12 who does not provide medical verification of pregnancy, is not
13 apparently eligible for purposes of this section.

14 A family is considered homeless, for the purpose of this section,
15 when the family lacks a fixed and regular nighttime residence; or
16 the family has a primary nighttime residence that is a supervised
17 publicly or privately operated shelter designed to provide temporary
18 living accommodations; or the family is residing in a public or
19 private place not designed for, or ordinarily used as, a regular
20 sleeping accommodation for human beings. A family is also
21 considered homeless for the purpose of this section if the family
22 has received a notice to pay rent or quit. The family shall
23 demonstrate that the eviction is the result of a verified financial
24 hardship as a result of extraordinary circumstances beyond their
25 control, and not other lease or rental violations, and that the family
26 is experiencing a financial crisis that could result in homelessness
27 if preventative assistance is not provided.

28 (A) (i) A nonrecurring special need of sixty-five dollars (\$65)
29 a day shall be available to families of up to four members for the
30 costs of temporary shelter, subject to the requirements of this
31 paragraph. The fifth and additional members of the family shall
32 each receive fifteen dollars (\$15) per day, up to a daily maximum
33 of one hundred twenty-five dollars (\$125). County welfare
34 departments may increase the daily amount available for temporary
35 shelter as necessary to secure the additional bedspace needed by
36 the family.

37 (ii) This special need shall be granted or denied immediately
38 upon the family's application for homeless assistance, and benefits
39 shall be available for up to three working days. The county welfare
40 department shall verify the family's homelessness within the first

1 three working days and if the family meets the criteria of
2 questionable homelessness established by the department, the
3 county welfare department shall refer the family to its early fraud
4 prevention and detection unit, if the county has such a unit, for
5 assistance in the verification of homelessness within this period.

6 (iii) After homelessness has been verified, the three-day limit
7 shall be extended for a period of time which, when added to the
8 initial benefits provided, does not exceed a total of 16 calendar
9 days. This extension of benefits shall be done in increments of one
10 week and shall be based upon searching for permanent housing
11 which shall be documented on a housing search form; good cause;
12 or other circumstances defined by the department. Documentation
13 of a housing search shall be required for the initial extension of
14 benefits beyond the three-day limit and on a weekly basis thereafter
15 as long as the family is receiving temporary shelter benefits. Good
16 cause shall include, but is not limited to, situations in which the
17 county welfare department has determined that the family, to the
18 extent it is capable, has made a good faith but unsuccessful effort
19 to secure permanent housing while receiving temporary shelter
20 benefits.

21 (B) A nonrecurring special need for permanent housing
22 assistance is available to pay for last month's rent and security
23 deposits when these payments are reasonable conditions of securing
24 a residence, or to pay for up to two months of rent arrearages, when
25 these payments are a reasonable condition of preventing eviction.

26 The last month's rent or monthly arrearage portion of the
27 payment (i) shall not exceed 80 percent of the family's total
28 monthly household income without the value of CalFresh benefits
29 or special needs for a family of that size and (ii) shall only be made
30 to families that have found permanent housing costing no more
31 than 80 percent of the family's total monthly household income
32 without the value of CalFresh benefits or special needs for a family
33 of that size.

34 However, if the county welfare department determines that a
35 family intends to reside with individuals who will be sharing
36 housing costs, the county welfare department shall, in appropriate
37 circumstances, set aside the condition specified in clause (ii) of
38 the preceding paragraph.

39 (C) The nonrecurring special need for permanent housing
40 assistance is also available to cover the standard costs of deposits

1 for utilities which are necessary for the health and safety of the
2 family.

3 (D) A payment for or denial of permanent housing assistance
4 shall be issued no later than one working day from the time that a
5 family presents evidence of the availability of permanent housing.
6 If an applicant family provides evidence of the availability of
7 permanent housing before the county welfare department has
8 established eligibility for aid under this chapter, the county welfare
9 department shall complete the eligibility determination so that the
10 denial of or payment for permanent housing assistance is issued
11 within one working day from the submission of evidence of the
12 availability of permanent housing, unless the family has failed to
13 provide all of the verification necessary to establish eligibility for
14 aid under this chapter.

15 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
16 for the temporary shelter assistance and the permanent housing
17 assistance pursuant to this paragraph shall be limited to one period
18 of up to 16 consecutive calendar days of temporary assistance and
19 one payment of permanent assistance. Any family that includes a
20 parent or nonparent caretaker relative living in the home who has
21 previously received temporary or permanent homeless assistance
22 at any time on behalf of an eligible child shall not be eligible for
23 further homeless assistance. Any person who applies for homeless
24 assistance benefits shall be informed that the temporary shelter
25 benefit of up to 16 consecutive days is available only once in a
26 lifetime, with certain exceptions, and that a break in the consecutive
27 use of the benefit constitutes permanent exhaustion of the
28 temporary benefit.

29 (ii) A family that becomes homeless as a direct and primary
30 result of a state or federally declared natural disaster shall be
31 eligible for temporary and permanent homeless assistance.

32 (iii) A family shall be eligible for temporary and permanent
33 homeless assistance when homelessness is a direct result of
34 domestic violence by a spouse, partner, or roommate; physical or
35 mental illness that is medically verified that shall not include a
36 diagnosis of alcoholism, drug addiction, or psychological stress;
37 or, the uninhabitability of the former residence caused by sudden
38 and unusual circumstances beyond the control of the family
39 including natural catastrophe, fire, or condemnation. These
40 circumstances shall be verified by a third-party governmental or

1 private health and human services agency, except that domestic
2 violence may also be verified by a sworn statement by the victim,
3 as provided under Section 11495.25. Homeless assistance payments
4 based on these specific circumstances may not be received more
5 often than once in any 12-month period. In addition, if the domestic
6 violence is verified by a sworn statement by the victim, the
7 homeless assistance payments shall be limited to two periods of
8 not more than 16 consecutive calendar days of temporary assistance
9 and two payments of permanent assistance. A county may require
10 that a recipient of homeless assistance benefits who qualifies under
11 this paragraph for a second time in a 24-month period participate
12 in a homelessness avoidance case plan as a condition of eligibility
13 for homeless assistance benefits. The county welfare department
14 shall immediately inform recipients who verify domestic violence
15 by a sworn statement pursuant to clause (iii) of the availability of
16 domestic violence counseling and services, and refer those
17 recipients to services upon request.

18 (iv) If a county requires a recipient who verifies domestic
19 violence by a sworn statement to participate in a homelessness
20 avoidance case plan pursuant to clause (iii), the plan shall include
21 the provision of domestic violence services, if appropriate.

22 (v) If a recipient seeking homeless assistance based on domestic
23 violence pursuant to clause (iii) has previously received
24 homelessness avoidance services based on domestic violence, the
25 county shall review whether services were offered to the recipient
26 and consider what additional services would assist the recipient
27 in leaving the domestic violence situation.

28 (vi) The county welfare department shall report to the
29 department through a statewide homeless assistance payment
30 indicator system, necessary data, as requested by the department,
31 regarding all recipients of aid under this paragraph.

32 (F) The county welfare departments, and all other entities
33 participating in the costs of the CalWORKs program, have the
34 right in their share to any refunds resulting from payment of the
35 permanent housing. However, if an emergency requires the family
36 to move within the 12-month period specified in subparagraph
37 (E), the family shall be allowed to use any refunds received from
38 its deposits to meet the costs of moving to another residence.

1 (G) Payments to providers for temporary shelter and permanent
2 housing and utilities shall be made on behalf of families requesting
3 these payments.

4 (H) The daily amount for the temporary shelter special need for
5 homeless assistance may be increased if authorized by the current
6 year's Budget Act by specifying a different daily allowance and
7 appropriating the funds therefor.

8 (I) No payment shall be made pursuant to this paragraph unless
9 the provider of housing is a commercial establishment, shelter, or
10 person in the business of renting properties who has a history of
11 renting properties.

12 (g) A child who has been removed from his or her home and
13 detained or placed in the home of a relative caregiver and is the
14 subject of a petition filed under Section 300, 601, or 602, or is the
15 subject of a voluntary placement agreement, as defined in
16 subdivision (p) of Section 11400, *and who is a teen parent whose*
17 *child is living in the same home or placement*, shall also receive
18 ~~the following amounts:~~

19 ~~(1) Reimbursement for the cost of reasonable travel for the child~~
20 ~~to remain in the school in which he or she is enrolled at the time~~
21 ~~of placement, in an amount determined in the manner provided in~~
22 ~~subdivision (b) of Section 11460.~~

23 ~~(2) A specialized care increment, as defined by, and in an~~
24 ~~amount determined in the manner provided in, subdivision (e) of~~
25 ~~Section 11461.~~

26 ~~(3) A clothing allowance, in an amount determined in the~~
27 ~~manner provided in subdivision (f) of Section 11461.~~

28 ~~(4) An~~ An infant supplement, in an amount determined in the
29 manner provided in subdivision (b) of Section 11465 for a child
30 in a foster family home.

31 ~~(5) A rate to address the extraordinary care and supervision~~
32 ~~needs of a child who is a consumer of regional center services, in~~
33 ~~an amount determined in the manner provided in Section 11464.~~

34 (h) The department shall establish rules and regulations ensuring
35 the uniform application statewide of this section.

36 (i) The department shall notify all applicants and recipients of
37 aid through the standardized application form that these benefits
38 are available and shall provide an opportunity for recipients to
39 apply for the funds quickly and efficiently.

(j) Except for the purposes of Section 15200, the amounts payable to recipients pursuant to Section 11453.1 shall not constitute part of the payment schedule set forth in subdivision (a).

The amounts payable to recipients pursuant to Section 11453.1 shall not constitute income to recipients of aid under this section.

(k) For children receiving Kin-GAP pursuant to Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) there shall be paid, exclusive of any amount considered exempt as income, an amount of aid each month, which, when added to the child's income, is equal to the rate specified in Sections 11364 and 11387.

(l) (1) This section shall become operative on April 1, 2013. A county shall implement the semiannual reporting requirements in accordance with Chapter 501 of the Statutes of 2011, no later than October 1, 2013.

(2) Upon implementation described in paragraph (1), each county shall provide a certificate to the director certifying that semiannual reporting has been implemented in the county.

(3) Upon filing the certificate described in paragraph (2), a county shall comply with the semiannual reporting provisions of this section.

SEC. 4. Section 11465 of the Welfare and Institutions Code is amended to read:

11465. (a) When a child is living with a parent who receives AFDC-FC or Kin-GAP benefits, the rate paid to the provider on behalf of the parent shall include an infant supplement to cover the cost of care and supervision of the child.

(b) For each category of eligible licensed community care facility, as defined in Section 1502 of the Health and Safety Code, the department shall adopt regulations setting forth a uniform rate to cover the cost of care and supervision of the child in each category of eligible licensed community care facility.

(c) (1) On and after July 1, 1998, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be increased by 6 percent, rounded to the nearest dollar. The resultant amounts shall constitute the new uniform rate.

(2) (A) On and after July 1, 1999, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be adjusted by an amount equal to the California Necessities Index

1 computed pursuant to Section 11453, rounded to the nearest dollar.
2 The resultant amounts shall constitute the new uniform rate, subject
3 to further adjustment pursuant to subparagraph (B).

4 (B) In addition to the adjustment specified in subparagraph (A),
5 on and after January 1, 2000, the uniform rate to cover the cost of
6 care and supervision of a child pursuant to this section shall be
7 increased by 2.36 percent, rounded to the nearest dollar. The
8 resultant amounts shall constitute the new uniform rate.

9 (3) Subject to the availability of funds, for the 2000–01 fiscal
10 year and annually thereafter, these rates shall be adjusted for cost
11 of living pursuant to procedures in Section 11453.

12 (4) On and after January 1, 2008, the uniform rate to cover the
13 cost of care and supervision of a child pursuant to this section shall
14 be increased by 5 percent, rounded to the nearest dollar. The
15 resulting amount shall constitute the new uniform rate.

16 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the
17 payment made pursuant to this section for care and supervision of
18 a child who is living with a teen parent in a whole family foster
19 home, as defined in Section 11400, shall equal the basic rate for
20 children placed in a licensed or approved home as specified in
21 subdivisions (a) to (d), inclusive, and subdivision (g), of Section
22 11461.

23 (2) The amount paid for care and supervision of a dependent
24 infant living with a dependent teen parent receiving AFDC-FC
25 benefits in a group home placement shall equal the infant
26 supplement rate for group home placements.

27 (3) The caregiver shall provide the county child welfare agency
28 or probation department with a copy of the shared responsibility
29 plan developed pursuant to Section 16501.25 and shall advise the
30 county child welfare agency or probation department of any
31 subsequent changes to the plan. Once the plan has been completed
32 and provided to the appropriate agencies, the payment made
33 pursuant to this section shall be increased by an additional two
34 hundred dollars (\$200) per month to reflect the increased care and
35 supervision while he or she is placed in the whole family foster
36 home.

37 (4) In any year in which the payment provided pursuant to this
38 section is adjusted for the cost of living as provided in paragraph
39 (1) of subdivision (c), the payments provided for in this subdivision
40 shall also be increased by the same procedures.

1 (5) A Kin-GAP relative who, immediately prior to entering the
2 Kin-GAP program, was designated as a whole family foster home
3 shall receive the same payment amounts for the care and
4 supervision of a child who is living with a teen parent they received
5 in foster care as a whole family foster home.

6 (6) On and after January 1, 2012, the rate paid for a child living
7 with a teen parent in a whole family foster home as defined in
8 Section 11400 shall also be paid for a child living with a nonminor
9 dependent parent who is eligible to receive AFDC-FC or Kin-GAP
10 pursuant to Section 11403.

11 SEC. 5. Section 11477.02 of the Welfare and Institutions Code
12 is amended to read:

13 11477.02. (a) Prior to referral of any individual or recipient,
14 or that person's case, to the local child support agency for child
15 support services under Section 17400 or 17404 of the Family Code,
16 the county welfare department shall determine if an applicant or
17 recipient has good cause for noncooperation, as set forth in Section
18 11477.04. If the applicant or recipient claims a good cause
19 exception at any subsequent time to the county welfare department
20 or the local child support agency, the local child support agency
21 shall suspend child support services until the county welfare
22 department determines the good cause claim, as set forth in Section
23 11477.04. If good cause is determined to exist, the local child
24 support agency shall suspend child support services until the
25 applicant or recipient requests their resumption, and shall take
26 such other measures as are necessary to protect the applicant or
27 recipient and the children. If the applicant or recipient is the parent
28 of the child for whom aid is sought and the parent is found to have
29 not cooperated without good cause as provided in Section
30 11477.04, the applicant's or recipient's family grant shall be
31 reduced by 25 percent for such time as the failure to cooperate
32 lasts.

33 (b) Consistent with Section 17552 of the Family Code, if aid is
34 paid under this chapter on behalf of a child who is under the
35 jurisdiction of the juvenile court and whose parent or guardian is
36 receiving reunification services, the county welfare department
37 shall determine, prior to referral of the case to the local child
38 support agency for child support services, whether the referral is
39 in the best interest of the child, taking into account both of the
40 following:

1 (1) Whether the payment of support by the parent will pose a
2 barrier to the proposed reunification in that the payment of support
3 will compromise the parent's ability to meet the requirements of
4 the parent's reunification plan.

5 (2) Whether the payment of support by the parent will pose a
6 barrier to the proposed reunification in that the payment of support
7 will compromise the parent's current or future ability to meet the
8 financial needs of the child.

9 SEC. 6. Section 13758 is added to the Welfare and Institutions
10 Code, to read:

11 13758. (a) Every youth who is in foster care and has been
12 determined to be ineligible for AFDC-FC benefits shall be screened
13 by the county for potential eligibility for the federal Supplemental
14 Security Income program utilizing the best practice guidelines
15 developed pursuant to Section 13752.

16 (b) An application shall be submitted to the federal Social
17 Security Administration on behalf of a youth who is screened as
18 being likely to be eligible for federal Supplemental Security Income
19 benefits.

20 SEC. 7. No appropriation pursuant to Section 15200 of the
21 Welfare and Institutions Code shall be made for purposes of
22 implementing this act.

23 SEC. 8. If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.